

Introduced by Senator Harman

February 24, 2012

An act to add Section 1569.692 to the Health and Safety Code, relating to residential care facilities for the elderly.

LEGISLATIVE COUNSEL'S DIGEST

SB 1400, as introduced, Harman. Residential care facilities for the elderly: video surveillance.

Existing law provides for the licensure and regulation of residential care facilities for the elderly. These provisions are administered by the State Department of Social Services, and a violation of these provisions is a misdemeanor. Existing law establishes various policies and procedures for the purposes of protecting the health, safety, and property of residents.

This bill, for purposes of ensuring the safety of residents, would authorize a residential care facility for the elderly to use video surveillance in a resident's bedroom if the facility and the resident or the resident's authorized representative consent to the use of the video surveillance. The bill would require that any recordings made become part of the resident's medical record, and that specified persons entering the resident's bedroom give written, informed consent with respect to the video surveillance. By expanding the scope of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1569.692 is added to the Health and
2 Safety Code, to read:
3 1569.692. (a) For purposes of ensuring the safety of residents,
4 a residential care facility for the elderly may use video surveillance
5 in a resident's bedroom if all of the following criteria are met:
6 (1) The facility and the resident or the resident's authorized
7 representative consent to the use of video surveillance. The video
8 surveillance shall be voluntary, may be canceled at any time by
9 either party, and shall not be made a condition of admission to the
10 facility.
11 (2) Any recordings made shall become part of the resident's
12 medical record.
13 (3) Written informed consent shall be obtained from any
14 individual entering the resident's bedroom who is described in
15 subdivision (b) of Section 1569.17.
16 (b) Video surveillance, as described in subdivision (a), shall not
17 include audio surveillance.
18 SEC. 2. No reimbursement is required by this act pursuant to
19 Section 6 of Article XIII B of the California Constitution because
20 the only costs that may be incurred by a local agency or school
21 district will be incurred because this act creates a new crime or
22 infraction, eliminates a crime or infraction, or changes the penalty
23 for a crime or infraction, within the meaning of Section 17556 of
24 the Government Code, or changes the definition of a crime within
25 the meaning of Section 6 of Article XIII B of the California
26 Constitution.

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